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DATE: September 15, 2006

PTO IDENTIFIER: Application Number 10/623,011-Conf. #4612

Patent Number

Inventor: Yasushi KOJIMA et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: LAHIVE &amp; COCKFIELD, LLP

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Attorney Dkt. #: NGW-009

PAGES (Including Cover Sheet): 5

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PTO/SB/21 (07-06)

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/623,011-Conf. #4612
		Filing Date	July 17, 2003
		First Named Inventor	Yasushi KOJIMA
		Art Unit	1745
		Examiner Name	C. K. Lee
Total Number of Pages in This Submission	Attorney Docket Number	NGW-009	

**ENCLOSURES (Check all that apply)**

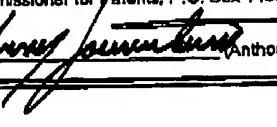
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		<b>Remarks</b>

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Anthony A. Laurenzano		
Date	September 15, 2006	Reg. No.	38,220

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Dated: September 15, 2006

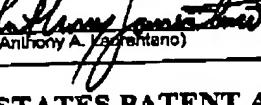
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Dated: September 15, 2006 Signature:   
(Anthony A. Santoro)

Docket No.: NGW-009  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yasushi Kojima *et al.*

Application No.: 10/623,011

Confirmation No.: 4612

Filed: July 17, 2003

Art Unit: 1745

For: APPARATUS AND METHOD FOR  
PROTECTING FUEL CELL

Examiner: C. K. Lee

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed August 17, 2006 (Paper No. 20060807).

The Examiner has required restriction between the following inventions in the above-identified application:

Group I encompassing claims 1-3 which is drawn to a fuel cell (classified in Class 429 Subclass 22); and  
Group II encompassing claims 4-6 drawn to a method of using a fuel cell (classified in Class 429, Subclass 13).

Accordingly, Applicants hereby elect Group I, claims 1-3 for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not

Application No.: 10/623,011

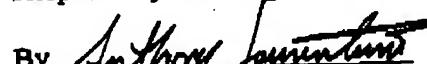
Docket No.: NGW-009

independent. Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various Groups appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Dated: September 15, 2006

Respectfully submitted,

By   
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Application No. (if known): 10/623,011      Attorney Docket No.: NGW-009

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on September 15, 2006  
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SignatureAnthony A. Laurentano

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38,220  
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